

## CHAPTER I

### GENERAL PROVISIONS; CORPORATE POWERS AND BOUNDARIES.

SECTION 1.00. Subdivision 1. (Municipal corporation established). All that part of Olmsted County contained within the limits hereinafter described, shall be a municipal corporation, named the "City of Rochester" and by that name shall have perpetual succession and shall be the legal successor of the City of Rochester under its former charter.

Subd. 2. (General powers). It shall have the general powers possessed by municipal corporations at common law; and, in addition thereto, shall possess the powers hereinafter set forth. It shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts of law and equity. It shall have a common seal, and may change and alter the same at pleasure. It may rent, purchase, take hold, lease or convey such real, personal and mixed estate as the purposes of the corporation may require, within or without the city. It may receive in trust, and may control for the purposes of such trust, all estate, moneys and assets which may have been or shall be bestowed upon it by will, deed, or any other term of gift or conveyance, or any general corporate purpose, for the benefit of any cemetery or library located therein, for the aid of indigent poor, for the general purposes of education, for charitable purposes of any description within said city, or for any other purpose beneficial to said city and the residents thereof. As such trustee it may lease and convey real estate and sell personal property, loan money, take and hold mortgages, bonds, notes and other securities, and sue or foreclose upon, or release them at pleasure. Such a trust shall be accepted only by resolution passed by a vote of four-sevenths (4/7) of all members of the common council and approved by the mayor.

Subd. 3. (Municipal powers not limited). The City of Rochester shall have all powers which may now or hereafter be possible for a municipal corporation in this state to have and exercise in harmony with the constitutions of this state and of the United States, not inconsistent with the specific limitations of this charter. It is the intention of this charter to confer upon the City of Rochester every power which it would have if it were specifically mentioned. The charter shall be construed liberally in favor of the city and the specific mention of particular municipal powers in other sections of this charter does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the common council.

SECTION 1.01. (Corporate boundaries). The description of the boundaries of the City of Rochester shall be as of record with the State of Minnesota's Municipal Boundary Adjustment Unit of the Office of Administrative Hearings or its successor. The Rochester/Olmsted Consolidated Planning Department, or such other department as the council shall direct, shall maintain current corporate boundary mapping information consistent with orders issued by the Municipal Boundary Adjustment Unit or its successor.

(Amended by Ord. No. 4021, approved on May 16, 2011, effective August 15, 2011)

SECTION 1.02. (Wards established). Subdivision 1. The city shall be divided into six (6) wards, called the First, Second, Third, Fourth, Fifth and Sixth Wards. Each Ward shall be composed of compact, contiguous territory and shall contain as nearly as practicable an equal

population. Wherever possible ward boundary lines shall follow the center lines of streets, avenues, alleys and boulevards and shall be run due east and west and north and south. Population shall be determined from the official certified United States decennial census or from any other intermediate or special official certified census which determines the population of the City of Rochester by usable census tracts.

Subd. 2. (Redetermination of boundaries). Within the timelines provided by Minn. Stat. Section 204B.135, the common council of the City of Rochester shall redetermine the boundaries of the various wards of the city in accordance with the population determined in the official United States decennial census and in accordance with the standards set forth above. Such redetermined ward boundaries shall be established by ordinance duly adopted by a majority of all members of the common council but such ordinance shall not be subject to veto by the mayor.

Subd. 3. (Failure of common council to act). If the common council shall fail to adopt an ordinance redetermining ward boundaries within the timelines established by state law, said boundaries shall be redetermined and established within 9 weeks thereafter by written order of the ward boundary commission which shall consist of the mayor, the Councilmember-at-large and the president of the charter commission of the City of Rochester. The mayor shall act as chairman and the president of the charter commission of the city as secretary of the ward boundary commission. Any two members of the ward boundary commission may adopt the order redetermining and establishing ward boundaries. Before making its order redetermining and establishing ward boundaries, the ward boundary commission shall hold at least one public hearing to which the common council shall be invited and at which interested residents of the city may express their views on the subject. The order of the ward boundary commission shall be published in the same manner provided for ordinances. The ordinance adopted by the common council or the order of the ward boundary commission redetermining and establishing ward boundaries shall be effective upon completion of publication.

Subd. 4. (Annexed areas). Areas subsequently annexed to the city shall become a part of the adjoining ward. The determination of the city clerk as to the proper assignment of subsequently annexed areas to the appropriate ward shall be conclusive.

Subd. 5. (Redetermination; elections). No redetermination of ward boundaries shall apply to any city election if the establishment of the redetermined boundaries goes into effect after the first date for filing for any such election. An assignment of subsequently annexed area to a ward shall not be considered a redetermination of ward boundaries.

Subd. 6. (Unexpired term). All officers of the city whose appointment or election is required by the provisions of this charter may serve out the term for which they are appointed or elected notwithstanding a redetermination of ward boundaries that places them in a ward other than the one from which he or she was elected or appointed. Any such officer shall be considered the representative from the particular ward from which he or she was elected or appointed, and shall continue to serve in that capacity until the expiration of the term for which he or she was elected or appointed.

SECTION 1.03. (Actions in name of city). All civil actions to recover any penalty or forfeiture under this charter or under any ordinance or regulation passed in pursuance hereof or for any other authorized purpose, and all prosecutions for the violation of any penal provision in this charter, or of any ordinance or regulation adopted in pursuance hereof, shall be brought in the corporate name of the city.

(Ordinance 3369, 12/12/2000)